

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 10/037,337  
Confirmation Number: 5844  
Filing Date: December 21, 2001  
Appellant: Richard L. COPELAND et al.  
Entitled: MAGNETIC CORE TRANSCEIVER FOR ELECTRONIC  
ARTICLE SURVEILLANCE MARKER DETECTION  
Examiner: Benjamin C. LEE  
Group Art Unit: 2632  
Attorney Docket No.: 1281-76U (C4-599)

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Mail Stop Appeal Brief - Patents  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITIONER'S STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF AN  
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR  
1.137(b)**

In support of Petitioner's statement that the entire delay in filing the required reply (Appeal Brief in this case) from the due date of the required reply to the filing of a grantable petition being filed herewith, Petitioner offers the following statement:

1. Prosecution of the present Application is managed by the Assignee, Sensormatic Electronics Corporation.
2. The Assignee never had any intention of allowing the present Application to go abandoned. The fact that there is an allowable claim (Claim 4), supports this assertion.

3. On June 28, 2005, the Assignee filed a Notice of Appeal with the intent of pursuing the appeal, but through an oversight unintentionally neglected to file a subsequent Appeal Brief.

4. The Assignee received the March 1, 2006 Notice of Abandonment, docketed the abandonment and had every intention of promptly filing a Petition to Revive along with the Appeal Brief.

5. Upon received receiving the Notice of Abandonment, the Assignee promptly contacted the undersigned outside counsel regarding preparation of the Petition to Revive along with the Appeal Brief and believed it had provided authorization to outside counsel to undertake the work.

6. Outside counsel believed that it had not yet received the authorization and was waiting for the client (Assignee) to give the final authorization to prepare the Petition to Revive and the Appeal Brief. Because the application was being managed by Assignee, outside counsel did not docket the filing of Petition to Revive and the Appeal Brief.

7. Unfortunately, due to a docketing error, Assignee's internal docketing system did not show a reminder until October 30, 2007 that the Petition to Revive and the Appeal Brief were not filed.

8. Once the Assignee realized that the Petition to Revive and the Appeal Brief were not filed, Assignee immediately contacted outside counsel to prepare and file the Petition to Revive and the Appeal Brief.

9. Accordingly, outside counsel, the undersigned law firm, promptly prepared and filed the Petition to Revive and the Appeal Brief.

10. The entire delay from the period of abandonment to the filing of the Petition to Revive and the Appeal Brief was unintentional.

Date: November 15, 2007

Respectfully submitted,

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